

PROTOCOL

defining, for the period 21 May 1989 to 20 May 1992, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the Democratic Republic of Madagascar on fishing off Madagascar

THE PARTIES TO THIS PROTOCOL,

Having regard to the Agreement between the European Economic Community and the Government of the Democratic Republic of Madagascar on fishing off Madagascar, signed on 28 January 1986 and amended by the Agreement signed on 12 November 1987,

HAVE AGREED AS FOLLOWS:

Article 1

Pursuant to Article 2 of the Agreement, licences authorizing simultaneous fishing in Madagascar's fishing zone shall be granted to 45 ocean-going freezer tuna vessels for a period of three years beginning on 21 May 1989.

Article 2

The amount of the contribution referred to in Article 7 of the Agreement shall be fixed at a flat rate of at least ECU 1 800 000 for the duration of the Protocol, payable in three equal annual instalments. This amount is to cover the fishing activities referred to in Article 1 up to a total annual catch of 12 000 tonnes of tuna in Madagascar's fishing zone; if the tuna caught by Community vessels in Madagascar's fishing zone exceeds this weight, the amount referred to above shall be proportionately increased; however, irrespective of the amount actually caught, financial compensation shall not exceed ECU 1 million per year.

Article 3

Each year for three successive years, a reconnaissance campaign to find crustaceans in water deeper than 50 metres shall be carried out jointly by Community shipowners to be chosen by the Malagasy authorities, research institutes in Madagascar and the Member States of the Community, and the Malagasy Ministry with responsibility for fisheries.

The Community shall also contribute up to ECU 900 000 over the duration of the Protocol to finance the campaigns.

This contribution may be used to cover shipowners' economic losses and the emoluments of Malagasy and Community scientists. Catches by the vessel concerned shall be the property of the shipowner.

The results of each campaign must be sent to the Malagasy Ministry with responsibility for Fisheries and the Commission Delegation to Madagascar before the beginning of the following campaign. In the light of these results, starting from the second reconnaissance campaign, licences may be granted to Community vessels to fish in Madagascar's deep-water zones under conditions to be defined at a meeting of the Joint Committee referred to in Article 9 of the Agreement.

The terms of reference for these reconnaissance campaigns shall be agreed between the two parties before 31 July 1989.

Article 4

The Community shall also, during the period referred to in Article 1, contribute ECU 600 000 to finance a Malagasy scientific programme to improve knowledge of the highly migratory species existing in the Indian Ocean around Madagascar.

At the request of the Government of Madagascar, this contribution may take the form of assistance with the costs of international meetings to improve knowledge of these species and the management of fishery resources.

Article 5

The contracting parties hereby agree that increasing the skills and knowledge of those concerned with sea fishing is essential to the success of their cooperation. The Community shall therefore facilitate the entry of Malagasy nationals to educational establishments in its Member States, and for this purpose shall make available to them study or practical training awards lasting a maximum of five years in the various scientific, technical and economic fields linked to fishing. The total cost of these grants may not exceed ECU 500 000, equivalent to approximately 500 grant/months.

The grants may also be used in any country linked to the Community by a Coopération Agreement.

Article 6

Protocols 1 and 2 and the Annex to the Agreement between the European Economic Community and the Government of the Democratic Republic of Madagascar on fishing off

Madagascar are hereby repealed and replaced by this Protocol and the Annex thereto.

Article 7

This Protocol shall enter into force on the date of its signature.

It shall be applicable from 21 May 1989.

ANNEX

CONDITIONS GOVERNING FISHING ACTIVITIES BY COMMUNITY VESSELS IN MADAGASCAR'S FISHING ZONE

1. Formalities concerning application for, and issue, of licences

After payment of the fees by shipowners, the competent Community authorities shall present to the competent Malagasy authorities an application in respect of each vessel wishing to fish under the Agreement. The application must be made on the form provided by Madagascar for this purpose, according to the attached model.

The Malagasy authorities shall then send the licence provided for in Article 4 of the Agreement to the Delegation of the Commission of the European Communities in Antananarivo within 15 working days.

Owners of tuna vessels shall be obliged to be represented by an agent in Madagascar.

2. Validity of licences

The licences shall be valid for one year. They shall be renewable.

Each licence shall be issued for a specific vessel, and shall not be transferable. However, in the event of *force majeure*, a licence for one vessel may be replaced by a licence for another vessel of similar characteristics should the European Economic Community so request. The owner of the vessel being replaced shall return the cancelled licence to the Malagasy Ministry with responsibility for Fisheries via the Delegation of the Commission of the European Communities.

The new licence shall indicate:

- the date of issue,
- the fact that it cancels and replaces the licence of the previous vessel.

3. Payment for licences

(a) *Freezer tuna vessels*

For ocean-going freezer tuna vessels, the fee provided for by Article 5 of the Agreement shall be set at ECU 20 per tonne of tuna caught in Madagascar's fishing zone.

Licences shall be issued on advance payment to the Malagasy Treasury of a fixed annual sum of ECU 1 000 per freezer tuna vessel.

(b) *Other Vessels*

The licence fee for vessels other than tuna vessels shall be set according to gross registered tonnage.

4. Declaration of catches

After the end of each calendar year, the Commission of the European Communities shall inform the Malagasy authorities no later than 31 March each year of the provisional catch figures for the preceding calendar year, on the basis of the fishing forms drawn up by the shipowners and referred to in paragraph 6.

5. Breakdown of fees due

A breakdown of the fees due in respect of a fishing year shall be drawn up by the Commission of the European Communities and the Malagasy authorities, taking account of available scientific opinion and any statistical information gathered in the Indian Ocean by an international fisheries organization.

Shipowners shall be notified by the Commission of the European Communities of this breakdown by the end of April and shall have 30 days in which to meet their financial obligations. The shipowner cannot recover the balance in cases where the amount payable in respect of actual fishing operations is less than the advance payment.

6. Radio communications and fishing forms

The captain shall notify either by radio the coastal radio station at Antsiranana or by telex at least 24 hours in advance of his intention of bringing his vessel into Madagascar's fishing zone.

Vessels shall indicate their position and catches every three days, and at the end of each period spent fishing in Madagascar's fishing zone, either by radio to the coastal radio station at Antsiranana or by telex. This information must also be indicated on entering or leaving Madagascar's fishing zone, either by radio to the Antsiranana station or by telex.

The radio frequency to be used and the telex number will be indicated on the licence.

The captain must also fill in a fishing form corresponding to the attached model for each period spent fishing in Madagascar's fishing zone.

The sheet, which must be legible and signed by the captain of the ship, must reach the Malagasy Ministry with responsibility for Fisheries via the shipowner's agent as soon as possible and preferably within 30 days of the period spent fishing in Madagascar's fishing zone. A copy must also be sent to the Delegation of the Commission of the European Communities.

In the event of failure to comply with these provisions, the Malagasy authorities reserve the right to suspend the licence of the offending vessel until the formalities have been completed.

7. Observers

At the request of the Malagasy authorities, tuna vessels shall take an observer on board. The time spent by the observer on board shall be fixed by the Malagasy authorities, but, as a general rule, an observer must not be present for longer than the time required to carry out his duties.

The shipowner shall, via his agent, make a payment of ECU 10 to the Malagasy Government for each day spent by an observer aboard a tuna boat.

Should a tuna boat with a Malagasy observer on board leave Madagascar's fishing zone, every step shall be taken to ensure that the observer returns to Madagascar as soon as possible, at the shipowner's expense.

8. Employment of seamen

For the ocean-going tuna fleet, two Malagasy seamen shall be signed on permanently for the duration of the fishing season.

Should Madagascar not put forward any candidates, this commitment shall be replaced by a flat-rate sum equivalent to 50 % of the seamen's wages, in proportion to the duration of the season; this sum will be used for the training of Malagasy fishermen.

9. Fishing zones

Community vessels shall have access to all waters under Madagascar's jurisdiction outside the two-mile zone.

Should the Malagasy authorities decide to install experimental fish concentration devices (FCDs), they shall inform the Commission of the European Communities and the agents of the shipowners concerned, indicating the geographical position of the devices.

From the 30th day after such notification, it shall be forbidden to approach within 1,5 nautical miles of the devices. The dismantling of any device must be immediately notified to the same parties.

10. Use of port facilities

The authorities of Madagascar and the beneficiaries of the Agreement shall lay down the conditions for using port facilities.

11. Inspection and monitoring of fishing activities

Vessels holding a licence shall permit and assist any Malagasy official responsible for the inspection and monitoring of fishing activities to board the ship and carry out his duties.

12. Trans-shipment

When fish are transhipped, ocean-going freezer tuna vessels shall hand over the fish which they do not intend to keep to a company or organization nominated by the Malagasy authorities in charge of fisheries.

APPLICATION FORM FOR A FISHING LICENCE

1. Period of validity: from to
2. Name and flag of vessel:
3. Name of shipowner:
4. Port of registration and registration number:
5. Type of fishing:
6. Authorized mesh size:
7. Length of vessel:
8. Breadth of vessel:
9. Gross registered tonnage:
10. Hold capacity:
11. Power of engine:
12. Type of construction:
13. Number of crew normally carried:
14. Radio equipment:
15. Radio call sign:
16. Name of captain:

The shipowner, or his representative, is entirely responsible for the accuracy of this information.

ICCAT LOGBOOK for TUNA FISHERY

Vessel name	Gross tons
Flag country	Capacity (M. T.)
Registration No.	Captain
Company or Owner	No. of crew
Address	Reporting date
	Reported by

Boat LEFT	month	day	year	port
Boat RETURNED			197	

- ☐ Longline
☐ Baliboat
☐ Purse seine
☐ Trolling
☐ Others

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Dates		Area		Effort	Surf. Water Temp.		Longitude		Latitude		Bluefin tuna Thunnus thynnus or maccayii		Yellowfin tuna Thunnus albacares		Bigeye tuna Thunnus obesus		Albacore Thunnus alalunga		Swordfish Xiphias gladius		Striped marlin White marlin Tropisternus audax or albidus		Black marlin Makaira indica		Sailfish Istiophorus albicans or platypterus		Skipjack Katsuwonus pelamis		Miscellaneous fishes		Daily total (in weight Kg. only)		Bait used	
Month	Day	N or S	Longitude	E or W	Surf. Water Temp.	Surf. Water Temp.	Longitude	Latitude	Number of hooks used	Weight in Kg.	No.	Kg.	No.	Kg.	No.	Kg.	No.	Kg.	No.	Kg.	No.	Kg.	No.	Kg.	No.	Kg.	No.	Kg.	No.	Kg.	No.	Kg.	Bait used	Bait used
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Landing weight (in Kg.)																																		

Remarks

- Use one abate per month, and one line per day.
- At the end of each trip, forward a copy of the log to your correspondent or to ICCAT, General Mole 17, Madrid 1, Spain.
- "Day" refers to the day you set the line.

- Fishing area refers to the noon position of the boat. Round off minutes, and record degrees of latitude and longitude. Be sure to record N/S and E/W.
- The bottom line ("landing weight") should be completed only at the end of the trip. Actual weight at the time of unloading should be recorded.
- All information reported herein will be kept strictly confidential.